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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

**IN RE GOOGLE PLAY STORE  
ANTITRUST LITIGATION**

THIS DOCUMENT RELATES TO:

*Epic Games Inc. v. Google LLC et al.*,  
Case No. 3:20-cv-05671-JD

*Match Group, LLC et al. v. Google LLC et al.*,  
Case No. 3:22-cv-02746-JD

Case No. 3:21-md-02981-JD

**DECLARATION OF  
MICHAEL J. ZAKEN IN SUPPORT OF  
EPIC'S AND MATCH'S MOTION TO  
AMEND COMPLAINTS**

Date: Nov. 17, 2022 at 10:00 am  
Courtroom: 11, 19<sup>th</sup> Floor  
Judge: Hon. James Donato

1 I, Michael J. Zaken, declare as follows:

2 1. I am Of Counsel at Cravath, Swaine & Moore LLP, counsel to Epic  
3 Games, Inc. (“Epic”) in the above-captioned actions. I am admitted to appear before  
4 this Court *pro hac vice*.

5 2. I have personal, first-hand knowledge of the facts set forth in this  
6 Declaration. If called as a witness, I could and would competently testify to these facts  
7 under oath.

8 3. Attached hereto as **Exhibit A** is a true and correct copy of Epic’s Proposed  
9 Second Amended Complaint (“SAC”).

10 4. Attached hereto as **Exhibit B** is a true and correct copy of a blackline of  
11 Epic Games, Inc.’s (“Epic”) SAC to Epic’s First Amended Complaint (“FAC”) filed  
12 July 21, 2021 (Dkt. No. 64).<sup>1</sup>

13 5. Attached hereto as **Exhibit C** is a true and correct copy of the document  
14 produced by Google in this litigation bearing Bates range  
15 GOOG-PLAY-007280918-920 (marked as Plaintiffs’ Deposition Exhibit 150), which  
16 includes an email from Google’s employee Ms. Karen Beatty at the pages ending in  
17 ’918-919, dated December 11, 2019.

18 6. Attached hereto as **Exhibit D** is a true and correct copy of the document  
19 produced by Google in this litigation bearing Bates range  
20 GOOG-PLAY-007424789-790 (marked as Plaintiffs’ Deposition Exhibit 1478 and  
21 1523), which is an e-document titled “Riot GVP Deal”, dated November 17, 2020 from  
22 document metadata.

23 7. Attached hereto as **Exhibit E** is a true and correct copy of the document  
24 produced by Google in this litigation bearing Bates range  
25 GOOG-PLAY-000929031-041 (marked as Plaintiffs’ Deposition Exhibit 162), which is  
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28 <sup>1</sup> All citations are to the MDL docket unless otherwise indicated.

1 a document titled “Games Velocity Program Addendum to the Google Play Developer  
2 Distribution Agreement”, dated March 9, 2020.

3 8. Attached hereto as **Exhibit F** is a true and correct copy of the document  
4 produced by Google in this litigation bearing Bates range  
5 GOOG-PLAY-007847561-565, which is a document titled “Terms for Strategic  
6 Partnership Between Google LLC and Activision Blizzard King”, dated  
7 January 24, 2020.

8 9. Attached hereto as **Exhibit G** is a true and correct copy of the document  
9 produced by Google in this litigation bearing Bates range  
10 GOOG-PLAY-007273439-444 (marked as Plaintiffs’ Deposition Exhibit 153), which is  
11 a document titled “Games Velocity Program Addendum to the Google Play Developer  
12 Distribution Agreement”, dated January 25, 2020.

13 10. Attached hereto as **Exhibit H** is an excerpt of a true and correct copy of the  
14 deposition transcript of Google’s former employee, Mr. Lawrence Koh, previously  
15 Global Head of Games Business Development at Google Play.

16 11. Attached hereto as **Exhibit I** is an excerpt of a true and correct copy of the  
17 deposition transcript of Google’s employee, Ms. Purnima Kochikar, Vice President of  
18 Google Play Partnerships.

19 12. Attached hereto as **Exhibit J** is an excerpt of a true and correct copy of the  
20 deposition transcript of Activision’s employee, Mr. Armin Zerza, CFO of Activision.

21 13. I am informed and believe that since December 3, 2021, Defendants  
22 Google LLC, Google Ireland Limited, Google Commerce Limited and Google Asia  
23 Pacific Pte. Limited (collectively, “Google”) and multiple third parties produced  
24 approximately 1,329,000 documents.

25 14. I am informed and believe that since December 3, 2021, Google has  
26 produced approximately 757,000 documents, about a quarter of its total production.  
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1           15. I am informed and believe that since December 3, 2021, third parties have  
2 produced approximately 572,000 documents.

3           16. I am informed and believe that since December 3, 2021, Plaintiffs<sup>2</sup> have  
4 taken 31 depositions of Google witnesses and 10 depositions of third-party witnesses. I  
5 am informed and believe that Plaintiffs have noticed three additional depositions of  
6 Google witnesses that have yet to be taken.

7           17. I am informed and believe that since December 3, 2021, Plaintiffs have  
8 questioned Google witnesses about Google's Project Hug deals, including in the  
9 depositions of Paul Bankhead, Paul Feng, Paul Gennai, Donald Harrison, Hiroshi  
10 Lockheimer, Lawrence Koh, James Kolotouros, Michael Marchak, Ruth Porat and  
11 Jamie Rosenberg.

12           18. I am informed and believe that important discovery regarding Google's  
13 Project Hug deals was completed in late August and late September 2022, with the  
14 depositions of Ms. Purnima Kochikar and Mr. Armin Zerza.

15           19. On September 30, 2022, counsel for Epic informed counsel for Google that  
16 Epic was considering amending its First Amended Complaint. On October 2, 2022,  
17 counsel for Epic emailed Google's counsel a copy of Epic's draft Second Amended  
18 Complaint and requested that Google inform Epic whether it would consent to the  
19 amendment. Google informed Epic on October 7, 2022 that it did not consent. The  
20 same day, Epic informed Google that Match intended to join in this motion and file a  
21 similar amendment.

22           20. Attached hereto as **Exhibit K** is a true and correct copy of Plaintiffs Match  
23 Group LLC et al.'s ("Match") Proposed First Amended Complaint.

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27           <sup>2</sup> "Plaintiffs" refers to Epic, Consumer Plaintiffs, State Attorneys General Plaintiffs  
28 and Plaintiffs Match Group LLC et al.

21. Attached hereto as **Exhibit L** is a true and correct copy of a blackline of Plaintiffs Match's First Amended Complaint to Match's Complaint ("FAC") filed May 9, 2022 (Match Dkt. 1).

1 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the  
2 foregoing is true and correct and that I executed this declaration on October 7, 2022 in  
3 New York, NY.

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5 /s/ Michael J. Zaken  
Michael J. Zaken  
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